



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

October 2, 2009

VIA FEDERAL EXPRESS

Gary Nickele, President
Kaanapali Land, LLC
900 N. Michigan Ave.
Chicago, IL 60611

RE: Oahu Sugar Company Site, Pearl Harbor, Oahu, Hawaii

Dear Mr. Nickele:

The U.S. Environmental Protection Agency (EPA) is issuing the accompanying Unilateral Administrative Order (UAO) to Kaanapali Land, LLC through its authority under Section 106 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. § 9606. The UAO requires Kaanapali Land, LLC to carry out work to complete an Engineering Evaluation/Cost Analysis (EE/CA) for the former Oahu Sugar Company pesticide and herbicide mixing site located on the Pearl Harbor Naval Complex Superfund Site, Oahu, Hawaii. The United States has determined that Kaanapali Land, LLC is the successor in interest to the original Oahu Sugar Company, Ltd. and a parent company of Oahu Sugar, LLC., currently in bankruptcy proceedings.

Paragraph 48 of the UAO provides Kaanapali Land, LLC with an opportunity to request a conference with EPA provided that the request is made within 2 working days of receipt of this UAO. If Kaanapali Land, LLC wishes to request a conference with EPA, it should contact Larry Bradfish at (415) 972-3934 by close of business, Pacific Time, on October 7, 2009. We appreciate your past cooperation and look forward to working with you to address the site.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Montgomery", is written over a horizontal line.

Michael Montgomery
Assistant Director
Federal Facilities & Site Cleanup Branch
Superfund Division

cc: J. Hahn, Esq.



Kaanapali Land, LLC.
Respondent

Proceeding Under Section 106(a)
of the Comprehensive Environmental
Response, Compensation, and
Liability Act of 1980,
42 U.S.C. § 9606(a).

)
) U.S. EPA Docket No. 9-2009-14
)
) UNILATERAL ADMINISTRATIVE
) ORDER FOR THE PERFORMANCE
) OF WORK IN SUPPORT OF A
) REMOVAL ACTION

I. AUTHORITY

This Unilateral Administrative Order ("Order") is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986, and the Small Business Liability Relief and Brownfields Revitalization Act of 2002 ("CERCLA"). The President delegated this authority to the Administrator of the United States Environmental Protection Agency ("EPA" or "Agency") by Executive Order 12580, January 23, 1987, 52 Fed. Reg. 2923, and further delegated it to the Assistant Administrator for Solid Waste and Emergency Response and the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B. This authority has been duly redelegated to the Branch Chief (now titled, Assistant Director), Superfund Division, EPA Region 9, by delegations dated September 29, 1997, and November 16, 2001.

This Order pertains to the property known as the Oahu Sugar Company Mixing Site, located within the Pearl Harbor Naval Complex Superfund Site, Oahu, Hawaii. This Order requires the Respondent to conduct work in support of a removal action ("Work") described herein to abate an imminent and substantial endangerment to the public health, welfare, or the environment that may be present by the actual or threatened release of hazardous substances at or from the Site. The Work in this Order is based on the CERCLA Non Time Critical Engineering Evaluation/Cost Analysis Approval Memorandum that has been prepared for this Site. See Attachment 1.

II. PARTIES BOUND

1. This Order shall apply to and be binding on Kaanapali Land, LLC ("Kaanapali"), a Delaware corporation ("Respondent") and its agents, successors and assigns. No change in ownership or operational status will alter Respondent's obligations under this Order. Notwithstanding the terms of any contract or agreement, Respondent is responsible for compliance with this Order and for ensuring that its employees, contractors, and agents comply with this Order. Respondent shall provide a copy of this Order to all contractors, subcontractors, and consultants that are retained by Respondent to perform the work required by this Order within three (3) days after the Effective Date of this Order or within three (3) days of retaining their services, whichever is later.
2. Respondent may not convey any interest it may have in any property comprising the Site, as the term "Site" is defined below, without a provision permitting the continuous implementation of the provisions of this Order. If Respondent wishes to transfer any interest it may have in any property comprising the Site, Respondent shall provide a copy of this Order to any subsequent owner(s) or successor(s) before any such interest is transferred. In such case, Respondent shall advise EPA one (1) month in advance of any